

To the Members of the California State Senate:

I am returning Senate Bill 1589 without my signature.

Since a wrongful conviction can exact a devastating toll on the accused and their families, every worthwhile effort should be made to avoid their occurrence. Because this bill would not reduce the number of wrongful convictions, I am unable to support it. In-custody informant testimony is disfavored and therefore rarely used. When such testimony is necessary, current rules of evidence provide adequate safeguards against its misuse. The evaluation of the credibility of a witness has always been uniquely within the province of the jury. This bill would usurp the juries' function by fixing in statute a rule that all in-custody informants have lied before the fact.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger